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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,416

12/09/2003

Robert B. Nilsen

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10/20/2006

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EXAMINER

PHAN, JAMES

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,416

Applicant(s)

NILSEN ET AL.

Examiner

James Phan

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68, 70-81 and 83-88 is/are pending in the application.
- 4a) Of the above claim(s) 4-13, 15, 30-40, 43, 58-68, 70-81, 83-88 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-57 is/are allowed.
- 6) ☒ Claim(s) 1-3, 14, 41 and 42 is/are rejected.
- 7) ☒ Claim(s) 16-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of claims 1-3, 14, and 41-42 under 35 U.S.C. 102(b) made in the office action mailed 5/2/06 is repeated.

Response to Arguments

In regard to claims 1-3, 14 and 41-42, applicant's arguments filed 8/2/06 have been fully considered but they are not persuasive.

In regard to claim 1, applicant argues that Janovec, the applied prior art, only has cube-corner elements on one side of the body portion, and does not teach or suggest two-sided optical components each having optical microstructures as required by claim 1. Thus, Janovec does not anticipate or suggest the invention of claim 1. The examiner disagrees. Janovec clearly discloses a plurality of optical components (array of polygons including parallelograms, such as rectangulars or squares; see column 7, lines 54-66). Thus, each of the components has at least five sides, i.e. left side, right side, front side, back side and top side, and each side has optical microstructures (cube-corner elements). Since claim 1 is open ended because the preamble ended with the term "comprising", the claimed optical structure does not preclude the existence of three-sided, four-sided, or five-sided optical components. Thus, claim 1 is not patentable over Janovec.

In regard to claim 41, applicant argues that claim 41 is not anticipated by Janovec because Janovec does not teach or suggest two-sided optical components having optical microstructures on each side. The examiner disagrees for the same reasons stated above.

Applicant further argues that claims 2-3 and 14 depend from claim 1, and claim 42 depend from claim 41 are patentable for at least the same reason. In response, the examiner states that because claims 1 and 41 are anticipated by Janovec as explained above and the features recited in claims 2-3, 14 and 42 are disclosed in Janovec (see the rejection of claims 1-3, 14, 41-42 and 44-45 under 35 U.S.C. 102(b) made in the office action mailed 5/2/06), claims 2-3, 14 and 42 are not patentable.

In regard to claims 44-45, applicant's argument overcomes the rejection of claims 44-45. Thus, the rejection of claims 44-45 is withdrawn.

Allowable Subject Matter

Claims 44-57 are allowed. Note that claims 51-57 have been rejoined by the examiner.

Claims 16-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

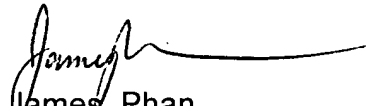
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

This application contains claims 4-13,15, 30-40, 43, 58-68, 70-81, and 83-88 are drawn to an invention nonelected with traverse. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (571) 272-2317. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James Phan
Primary Examiner
Art Unit 2872

JP
Oct. 2006